THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.16787 of 2004

ORDER:

This writ petition is filed challenging the proceedings issued by the first respondent in D.Dis.No.313/2004 dated 15.5.2004 confirming the orders passed by the second respondent in D.Dis.No.369/2002 dated 20.3.2003 as arbitrary, illegal and consequently direct the respondents to restore the authorisation of the petitioner in respect of fair price shop at Vadditandra village, Santabommali mandal, Srikakulam district.

It appears, the petitioner was the fair price shop dealer of Vadditandra village, Santabommali mandal, Srikakulam district. While so, an enquiry was conducted into the irregularities purported to have been committed by the petitioner and the authorisation of the petitioner was suspended. However, vide proceedings dated 29.11.2000, the third respondent restored the authorisation of the petitioner by imposing a fine of Rs.300/-. In spite of the said restoration, when the petitioner was not supplied with essential commodities, he filed W.P.No.12716 of 2001, which was disposed of by this Court by order dated 26.6.2001 directing the Mandal Revenue Officer to supply the essential commodities to the petitioner for distribution to the cardholders, provided the authorisation of the petitioner society continues to be a valid one. However, it was made clear that if there is any order of suspension or cancellation of the authorisation of the petitioner society, the essential commodities need not be supplied to the petitioner. It is stated that in spite of the order of this Court, no useful purpose was served. Thereafter, it seems, on a representation made by some villagers, the matter was again enquired into on the very same charges, which were included in the proceedings dated 29.11.2000 restoring the authorisation by imposing penalty of Rs.300/-.

The impugned order dated 24.6.2001 passed by the third respondent itself reveals that after passing the order dated 29.11.2000,

the villagers represented to the Revenue Divisional Officer, Tekkali stating that if the authorisation of the petitioner is restored, they will go on hunger strike. Therefore, the matter was again enquired and the order imposing fine was kept in abeyance by order dated 8.1.2001. The petitioner submitted his explanation on 4.4.2001 stating that the matter was already enquired into and sought to drop further proceedings in the matter. However, it seems the Mandal Revenue Officer again enquired into the alleged irregularities and reported that the petitioner has not issued the commodities at the rates fixed by the Government and did not correctly weigh the commodities and hence recommended for cancellation of authorisation of fair price shop dealer. Therefore the authorisation of the petitioner was cancelled. Aggrieved by the said order, the petitioner carried the matter in appeal to the second respondent-Joint Collector and the second respondent dismissed the appeal by order dated 20.3.2003. Aggrieved by the said order, petitioner further carried the matter in revision to the first respondent-District Collector and the first respondent also dismissed the revision by confirming the order passed by the second respondent. Aggrieved by the same, the present writ petition is filed.

There is no necessity of going into other details.

The third respondent in the impugned order dated 24.6.2001 cancelled the authorisation of the petitioner and kept in abeyance the order dated 29.11.2000, which seems to be on the representation made by the villagers. What exactly is the representation of the villagers and what are the alleged irregularities committed by the petitioner including the incorrect weighment and higher rates, were absolutely not considered by the third respondent while passing the impugned proceedings dated 24.6.2001. Though the appellate authority and the revisional authority passed elaborate orders, they also do not reveal any fresh cause of action except mentioning some irregularities, which were neither put to the petitioner nor any specific enquiry was conducted into those

irregularities. In the circumstances, I am of the considered opinion that the whole issue was raked up only at the instance of villagers for conducting a re-enquiry into the matter. Even in the re-enquiry, nothing substantial has been enquired into nor any specific charge was framed asking the petitioner to submit his explanation.

In view of the above, the impugned order passed by the third respondent dated 24.6.2001 suffers from gross violation of principles of natural justice and no procedure known to law for enquiring into such matters was followed.

In the result, the impugned order dated 24.6.2001 passed by the third respondent as confirmed by the second respondent by order dated 20.3.2003 and further confirmed by the first respondent by order dated 15.5.2004 is liable to be set aside and accordingly set aside. The respondents are directed to restore the authorisation of the petitioner forthwith.

The writ petition is accordingly allowed. No order as to costs.

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C.V.RAMULU, J

Date: 29.9.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.16787 of 2004

29.9.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.16787 of 2004

Date: 29th September, 2006

Between:

Sri Jagannadha Fishermen Cooperative
Society, rep. by its President.

.. Petitioner

And

The District Collector,
Srikakulam & others.

.. Respondents